



San Diego City Attorney **MICHAEL J. AGUIRRE**

NEWS RELEASE

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CITY ATTORNEY WILL CONSIDER LEGAL OPTIONS TO ENSURE LOCAL CONTROL OVER PERMITTING PROCESS

Blackwater Otay Mesa Permits at Issue

San Diego, CA—Federal District Court Justice Marilyn Huff's decision to grant a temporary restraining order that will allow Blackwater USA to begin using a warehouse in Otay Mesa as a training center without completing all City permit procedures usurps the City of San Diego's police power to regulate the use of its land.

Under the precedent set by Justice Huff's ruling, from this point on any company that disagrees with the City's land use regulations can now go to the federal court for relief. This ruling not only violates the California Constitution, it is contrary to case law, specifically case law established by the U.S. Supreme Court.

"Mr. Aguirre is attending his daughter's graduation from Princeton University," said Don McGrath, Executive Assistant City Attorney. "Based on Mr. Aguirre's past position on issues regarding City sovereignty, I can only assume that he will urge continuing this fight."

A government contractor specializing in paramilitary training, Blackwater USA, has not completed all procedures established by the City's Land Use Development code to construct and begin operation of a new training facility in Otay Mesa. When Blackwater was informed further permit procedures were necessary by the City of San Diego's Development Services Department, the company filed a lawsuit in federal court alleging civil rights violations. Through this federal action, Blackwater USA is seeking to force the City to issue a certificate of occupancy that would change the building from warehouse to paramilitary training uses. This use has not been fully established as consistent with Otay Mesa Development District specific plan zoning and its associated permitted uses. Additionally, portions of the building have not been cleared for use as a training center and are still being evaluated for Building Code safety compliance.

Blackwater USA never submitted any of the applications for the permits in its name and has failed to comply with, and complete, the City's required permitting process. The proper procedure may well have required public participation in the project review process; however, this has now been effectively curtailed, if not foreclosed, by the District Court's ruling.

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